



Department of
**Environment &
Conservation**

Hazardous Waste Amendments Update

Tennessee Rule Chapter 0400-12-01

December 2, 2020

INTRODUCTION



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STATE AUTHORIZATION

TENNESSE IS AN AUTHORIZED STATE.



INTRODUCTION

State Programs

- State authorization is a rulemaking process through which the EPA delegates the primary responsibility of implementing the RCRA hazardous waste program to individual states in lieu of the EPA.
- State RCRA programs must be **at least as stringent** as the federal requirements, but states can adopt **more stringent** requirements as well.
- The general schedule for States to update their regulations is that the state program **must be modified** by July 1 of each year to reflect changes occurring between July 1 of the previous year to June 30 of the current year.

THE AMENDMENTS

Tennessee amends the hazardous waste regulations:

- Federal Register
- EPA Comments
- State Laws and this Board's Policies
- Technical corrections and housekeeping

Generator Improvement Rule (GIR)

FEDERAL REGISTERS:

- **November 28, 2016** **Hazardous Waste Generator Improvements Rule**
- **November 28, 2016** **Hazardous Waste Export-Import Revisions**
- **December 26, 2017** **Confidentiality Determinations for Hazardous Waste Export and Import**
- **January 3, 2018** **User Fees for the Electronic Hazardous Waste Manifest System (e-Manifest) and Amendments to Manifest Regulations**
- **November 30, 2018** **Safe Management of Recalled Airbags**

EPA COMMENTS

STATE LAWS AND THIS BOARD'S POLICIES

TECHNICAL CORRECTIONS AND HOUSEKEEPING

Generator Improvement Rule (GIR)

GIR + (CKLT(s): 236, 237, 238, 239, 240, 243)	Rulemaking Initiated	7/1/17	7/1/17	Red	7/1/17	0	1	0	0	0	0
	Rulemaking Coordinator Notified	7/1/17	7/31/17	Red	7/1/17	0	31	0	0	0	0
	Case Number Assigned	7/2/17	7/2/17	Red	7/2/17	0	1	0	0	0	0
	Regulations, Public Notice and Justification Drafted	7/2/17	7/31/17	Red	7/2/17	0	30	0	0	0	0
	Division Review	8/1/17	7/1/19	Red	8/1/17	0	700	0	0	0	0
	OGC Review (POC)	8/1/17	7/1/19	Red	8/1/17	0	700	0	0	0	0
	Commissioner's Approval	7/1/19	8/2/19	Red	7/1/19	0	33	0	0	0	0
	Governor's Approval	8/2/19	9/13/19	Red	8/2/19	0	43	0	0	0	0
	Public Notice filed with Secretary of State's Office (SOS)	10/3/19	1/6/20	Red	10/3/19	0	96	0	0	0	0
	Division Review	1/6/20	8/5/20	Red	1/6/20	0	213	0	0	0	0
	OGC Review (POC, GLT)	1/6/20	8/5/20	Red	1/6/20	0	213	0	0	0	0
	Rule Adopted by UST&SWDC Board	8/5/20	8/5/20	Red	8/5/20	0	1	0	0	0	0
	OGC Review (POC, GLT, LL, & GC)	8/5/20	10/14/20	Red	8/5/20	0	71	0	0	0	0
	Governor's Approval	10/14/20	10/23/20	Red	10/14/20	0	10	0	0	0	0
	AG Review	10/23/20		Red	10/23/20						
	Final Rule Notice filed with Secretary of State's Office (SOS)	2/2/21	5/2/21	Red	2/2/21	0	90	0	0	0	0
	AG Review			Red	1/0/00	0	0	0	0	0	0
	Joint Government Operations Committee Review			Red	1/0/00	0	0	0	0	0	0
	Rules Effective	5/2/21	5/2/21	Red	5/2/21	0	1	0	0	0	0

State Initiated Amendment

FEDERAL REGISTERS:

- **December 9, 2019** **Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations**
- **July 7, 2020** **Modernizing Ignitable Liquids Determinations**

EPA COMMENTS

STATE LAWS AND THIS BOARD'S POLICIES

TECHNICAL CORRECTIONS AND HOUSEKEEPING



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State Initiated Amendment

STATE (EPA Comments, 242, 243)											
	Rulemaking Initiated	12/4/19	12/4/19	Brown	12/4/19	0	0	0	1	0	0
	Rulemaking Coordinator Notified	12/5/19	12/5/19	Brown	12/5/19	0	0	0	1	0	0
	Case Number Assigned	12/5/19	12/5/19	Brown	12/5/19	0	0	0	1	0	0
	Regulations, Public Notice and Justification Drafted	12/5/19	12/5/19	Brown	12/5/19	0	0	0	1	0	0
	Division Review	12/4/19	7/22/20	Brown	12/4/19	0	0	0	232	0	0
	OGC Review (POC)	12/4/19	7/22/20	Brown	12/4/19	0	0	0	232	0	0
	Commissioner's Approval	7/22/20	7/22/20	Brown	7/22/20	0	0	0	1	0	0
	Governor's Approval	9/1/20	9/3/20	Brown	9/1/20	0	0	0	3	0	0
	Public Notice filed with Secretary of State's Office (SOS)	9/10/20	11/10/20	Brown	9/10/20	0	0	0	62	0	0
	Division Review	11/10/20	11/17/20	Brown	11/10/20	0	0	0	8	0	0
	OGC Review (POC, GLT)	11/10/20		Brown	11/10/20	0	0	0	0	0	0
	Rule Adopted by UST&SWDC Board	2/2/21	2/2/21	Brown	2/2/21	0	0	0	1	0	0
	OGC Review (POC, GLT, LL, & GC)			Brown	1/0/00	0	0	0	0	0	0
	Governor's Approval			Brown	1/0/00	0	0	0	0	0	0
	AG Review			Brown							
	Final Rule Notice filed with Secretary of State's Office (SOS)	5/21/21	8/21/21	Brown	5/21/21	0	0	0	93	0	0
	AG Review			Brown	1/0/00	0	0	0	0	0	0
	Joint Government Operations Committee Review			Brown	1/0/00	0	0	0	0	0	0
	Rules Effective	8/21/21	8/21/21	Brown	8/21/21	0	0	0	1	0	0

Pharmaceuticals Rules

FEDERAL REGISTERS:

- **February 22, 2019** **Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine**

EPA COMMENTS

STATE LAWS AND THIS BOARD'S POLICIES

TECHNICAL CORRECTIONS AND HOUSEKEEPING



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Pharmaceuticals Rules

Pharmaceuticals (CKLT(s): 241)	Rulemaking Initiated	2/22/19	2/22/19	Green	2/22/19	0	0	1	0	0	0
	Rulemaking Coordinator Notified	2/22/19	2/22/19	Green	2/22/19	0	0	1	0	0	0
	Case Number Assigned	2/22/19	2/22/19	Green	2/22/19	0	0	1	0	0	0
	Regulations, Public Notice and Justification Drafted	2/22/19	5/22/19	Green	2/22/19	0	0	90	0	0	0
	Division Review	2/22/19	12/20/20	Green	2/22/19	0	0	668	0	0	0
	OGC Review (POC)			Green	1/0/00	0	0	0	0	0	0
	Commissioner's Approval			Green	1/0/00	0	0	0	0	0	0
	Governor's Approval			Green	1/0/00	0	0	0	0	0	0
	Public Notice filed with Secretary of State's Office (SOS)	5/21/21	7/30/21	Green	7/30/21	0	0	71	0	0	0
	Division Review			Green	1/0/00	0	0	0	0	0	0
	OGC Review (POC, GLT)			Green	1/0/00	0	0	0	0	0	0
	Rule Adopted by UST&SWDC Board	5/2/21	5/2/21	Green	5/2/21	0	0	1	0	0	0
	OGC Review (POC, GLT, LL, & GC)			Green	1/0/00	0	0	0	0	0	0
	Governor's Approval			Green	1/0/00	0	0	0	0	0	0
	AG Review										
	Final Rule Notice filed with Secretary of State's Office (SOS)	7/11/21	10/8/21	Green	7/11/21	0	0	90	0	0	0
	AG Review			Green	1/0/00	0	0	0	0	0	0
	Joint Government Operations Committee Review			Green	1/0/00	0	0	0	0	0	0
	Rules Effective	10/8/21	10/8/21	Green	10/8/21	0	0	1	0	0	0

Financial Assurance Instruments

Financial assurance instruments

These financial assurance instruments applicable to hazardous waste management facilities subject to Rule 0400-12-01-.05 or 0400-12-01-.06.

STATE REGULATIONS

A copy of the draft/final rules are available at:

<http://sos.tn.gov/division-publications/rules-and-regulations>

<http://tn.gov/environment/topic/ppo-waste>

FEDERAL REGULATIONS

Information can be found on the EPA website at:

<https://www.epa.gov/hw>

CONTACT

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Questions?